

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

J.Y.C.C., <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 4:15-cv-01704-RWS
)	(CONSOLIDATED)
v.)	
)	
THE DOE RUN RESOURCES)	
CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS' MEMORANDUM IN SUPPORT OF
MOTION FOR STATUS CONFERENCE**

Defendants file this Memorandum in support of the Motion for Status Conference, respectfully showing the Court as follows:

Defendants request that this Court schedule a Status Conference on February 14 or 16, 2022 to address the parties' now fully-briefed proposals setting forth a verification process for individual Plaintiffs and related case management procedures, as well as to address two related motions filed by Defendants on January 5, 2022 that will be fully briefed by January 31, 2022.

On December 16, 2021, following status conferences held on November 15, 2021 and December 16, 2021, this Court ordered the parties to file by January 5, 2022 their respective proposals to verify the individual Plaintiffs' intention to proceed in this litigation, and ordered that any responses be filed by January 12, 2022. Both parties submitted the proposed verification procedures as directed. (Dkt. Nos. 558 & 563.) Defendants also filed their response to Plaintiffs' proposal on January 12, 2022, as ordered by the Court. (Dkt. No, 571.) Plaintiffs, however, delayed filing their response until January 21, 2022, nine days after the Court's deadline, despite

the Court not having granted any such extension.¹ Even with Plaintiffs' delay, the parties' proposals and responses are now under submission and ripe for review and consideration.

Also on January 5, 2022, Defendants filed related motions seeking appointment of a special master (Dkt. No. 559) and renewing their earlier motion to compel production of handwritten Plaintiff Profile Sheets ("PPSs"). (Dkt. No. 561.) Plaintiffs' responses to those motions were due on January 19, 2022, pursuant to Local Rule 4.01(B). Plaintiffs, however, delayed filing their responses until January 21, 2022, again, with the Court not having granted any corresponding extension. Pursuant to Local Rule 4.01(C), Defendants will file their reply briefs on January 31, 2022. At that point, these motions will also be fully briefed and ripe for review and consideration.

Accordingly, on January 24, 2022, Defendants' counsel corresponded with Plaintiffs' counsel to seek counsel's availability on February 14 or 16, 2022 for a joint status conference, so that the parties could address these filings before the Court. Defendants' request was consistent with the Court's statement at the December 16, 2021 status conference that another status conference would occur in February to address the parties' respective verification proposals and any other related issues. (Dkt. No. 554, Dec. 16, 2021 Hr'g Tr. at 36:17–19.)

Plaintiffs, however, responded by stating that they oppose any status conference prior to the week of February 28, 2022. Plaintiffs advised they are contemplating filing a motion to compel related to recent discovery responses provided by Defendants regarding Defendants' investigation, which Plaintiffs believe should be fully briefed before any status conference. Plaintiffs, however, have not provided the grounds for any such motion, nor have they met and

¹ Plaintiffs filed a motion for extension on January 12, 2022. (Dkt. No. 569.) Defendants filed a response in opposition on the same day. (Dkt. No. 570.) The Court did not rule on Plaintiffs' request.

conferred with Defendants regarding these responses and their purported deficiencies. Indeed, Defendants served timely responses to Plaintiffs' discovery on January 20, 2022, in which Defendants agreed to produce various categories of documents sought by Plaintiffs.

Plaintiffs' decision regarding whether to file a motion to compel in relation to these discovery requests has no bearing on any of the motions, and certainly not on the process ordered by the Court to verify which Plaintiffs are in and which are out, especially given that the parties agree that a verification process is needed and the only open issue is what that process will look like. Thus, Plaintiffs should not be permitted to continue delaying this Court's consideration of the parties' verification proposals and related filings, all of which are or will be fully ripe well in advance of Defendants' requested conference date.

Accordingly, Defendants respectfully request that this Court schedule a status conference for February 14 or 16, 2022, or otherwise at the Court's earliest convenience, to address the parties' verification proposals and Defendants' pending motions.

Respectfully submitted this 26th day of January, 2022,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 26th day of January, 2022, a true and correct copy of the foregoing was filed with the Clerk of the Court through the Court's CM/ECF system, which will affect service on all counsel of record by sending a Notice of Electronic Filing.

/s/ Geoffrey M. Drake